

H I N T S

Relating to some

L A W S

That may be for the

K.
INTEREST of *IRELAND*
to have Enacted.

IN A

L E T T E R

TO A

Member of Parliament.

— quid ego & populus mecum desideret
Audi.

HOR.

D U B L I N :

Printed for GEO. FAULKNER, in *Essex-street.*
M D C C X L I X.

H I N T S

Relating to the

L A W S

That may be for the

INTEREST OF THE
TO THE



E A T E R

OF THE

Member of Parliament

D U B I N

Printed for J. G. A. in the year
1800



HINTS

Relating to some

LAW S

That may be for the

INTEREST of *IRELAND*
to have Enacted.

SIR,

AT your Desire I have drawn up the following Hints, in relation to some Laws that may be for the Interest of this Kingdom to have enacted. And as it is a Duty incumbent on every Individual to serve the Community of which he happens to be a

Member, to the utmost of his Power, I take the Liberty of throwing in this my Mite for that Purpose; which is submitted, with the greatest Deference, to the Wisdom and Consideration of the Legislature.

The Charter-schools of this Kingdom have already done great Service to the Protestant Cause; and I should think, if the Trustees of all the Charity-schools in the Kingdom were impowered by Act of Parliament (and indeed enjoined thereby) to take in *Popish* Children from remote Provinces, and to establish the same Course of Education that is used in the Charter-schools, it would greatly expedite the good Work of Reformation. The common Charity-schools have been the Means of over-stocking all the low Trades amongst us, which is the highest Injury to this Nation, where Husbandmen are wanting.—And if the Children of all the strolling Beggars in our Metropolis were taken up and put into our Charter-schools, it would rid us of many idle Vagrants, increase our Protestants, and add a Number of useful Hands to our Tillage and Linen Manufacture.

In *England* they have a Law for setting off one Debt against another; 'tis the 2d of *Geo. II. ch. 22.* which enacts, that where there are

are mutual Debts between the Plaintiff and Defendant; or if either Party sue or be sued as Executor or Administrator, where there are mutual Debts between the Testator or Intestate, and either Party, one Debt may be set against the other, and such Matter may be given in Evidence upon the general Issue, or pleaded in Bar, so as that Notice shall be given of the particular Sum or Debt intended to be insisted on, and upon what Account it became due.——This was at first but a temporary Law; but by the 8th of *Geo. II. ch. 24.* it is made perpetual. I conceive such a Law would be of infinite Use in this Kingdom, and I think I am better warranted in saying so, as the People of *England*, after six Years Experience of it, made it perpetual.

It were to be wished that a proper Law was formed against Horse-racing and *Popish* Holydays; not to omit the great Evils arising from Fairs near great Cities, particularly the Metropolis, where little else is sold besides Drunkenness and Debauchery.——By a very moderate Computation, this Nation loses, by these three several Articles, an hundred thousand Pounds *per Annum, sterling.*

The Law for transporting Vagabonds has often proved a most cruel Engine of Oppression,

sion, and therefore ought not to be continued in any Country that has but even the Shadow of Liberty; much less in ours.—Many Men whose only Fault was Poverty (and, God knows, in these Days that is a dreadful Crime) have been sent away without Mercy to our Plantations, to satisfy the Resentment or Malice of some abandoned Esquire, or perjured Pettyfogger. Well-regulated Communities contrive Laws for the Protection of the Poor and Innocent, and to make them useful and industrious, by guarding them from Oppression.——But this Law deprives the Public of some of our best Hands, and by a cruel Banishment renders them for ever lost to the Community.——I knew an Instance of a Man who had the Effrontery (for so it was considered) to traverse the Presentment of an honest Grand-jury, who presented him for a Vagabond; and, on the Tryal, he actually proved himself to be worth above four hundred Pounds.—And when a Man is found no Vagabond by his Country, why, truly! he has no Manner of Remedy for the Trouble, the Expence, and the Hazard he has been put to.

There seems to be an absolute Necessity for an Act of Parliament to limit the Number of Attornies in this Kingdom, which is growing to a most enormous Size.—I do not mean

mean this as the least Reflection on the Gentlemen of that Profession, as I am sure there are many Persons of great Worth and Honour amongst them.——Such as attend the Courts, and are known for honest and upright Practicers, are as much to be respected as any Men in Society. But as there is scarce a Farmer in the Kingdom that does not rear up one of his Sons to this Profession, it is impossible that there should be honest Bread for them all.——And by this Means two Parts of them are under a Necessity of settling in the Country——to the Ruin and Oppression of the Poor, the embroiling of whole Countries, and the Destruction of the Landed Interest; with many other Mischiefs, which need not here be enumerated.

The *Popery Acts* (I mean those that gavel the Estates of *Papists*) every body knows, have already brought over almost all the *Roman Catholick* Gentlemen of Property in the Kingdom; and these Laws having now scarce any Thing to operate upon, they are in a great measure become a *dead Letter*. Is it not prudent therefore to extend the Operation of those Acts as long as there is a *Papist* left in the Nation! Let *Papists* therefore be enabled to take long Terms, subject to that Clause of preferring the next *Protestant* Relation (for doubtless the Landlord should not have

have his Farm split by being gavelled)——and let them even purchase the absolute Inheritance under certain Restrictions of Building, or any other Improvements, within a limited Time after their Purchase, and subject to the Gavelling Clause; and, if I am not much deceived, half a Century more would infallibly put an End to *Popery* in this Kingdom.——How far this may be the Wish of Persons, who want more Power than is consistent with the Happiness of the Subject, is not very difficult to guess.——But that it is the Wish of every upright, disinterested and sincere Protestant, there cannot, I believe, be a Hesitation in the Mind of any Man.

In all Countries (especially in those of Trade) the Methods of transferring Estates should be made as safe and easy as possible; which would be the strongest Incitement to Industry and mercantile Pursuits.—In *England* and *Ireland*, every one knows, that Fines and Recoveries are the common Security for all our Estates.——It is likewise equally well known, that no Part of the Law contains in it a more intricate Exactness, or, I might properly have said, a more nonsensical Jargon.—Insomuch that the common Sense of these Nations has been long called in question, for tolerating so absurd and mischievous a Practice.

a Practice.—And though a late Act of Parliament has provided against some of the Evils, no Man could ever give a Reason why a Form should be preserved, that contains now nothing but Absurdity in it, whatever might have been the Case in the original Institution.—Every Tenant in Tail, therefore, should be impowered by a common Deed, duly registered, to gain a Dominion over his Fortune. Indeed, as to the Fines due on these Occasions, I am not for depriving the Crown of any of its antient Jewels.—Let them be paid, as usual, and let such registered Deed be of no Efficacy until they are paid.

The destructive Luxury that is daily gaining Ground amongst us, seems loudly to call for some Remedy,——To see the Tables of People, of but middling Rank, covered as expensively as those of the first Fortune and Quality, nay even of Kings, is the fullest Proof of a most dissolute Pride, and shews us most plainly, that Honour, Morality, common Justice, and every other Consideration, are made to give Way, where the Gratification of our Vanity, or gross sensual Appetites, are in the least concerned. Hence arises private Villainy, and public Prostitution: For I will lay it down as an eternal Maxim, That where there is not private Honesty, there can be no true public Spirit.

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The same Extravagance, the same Folly appears likewise in our Apparel. 'Tis beneath a Person of Distinction to wear any Thing that is made in *Ireland*! when, in Truth, a Person of Distinction, dressed in the best Thing that could be made here, would be honoured and esteemed by every virtuous and good Person in the Nation.

Can a Parent shew a greater Barbarity to a Child, to whom he cannot give above a thousand Pounds for a Fortune, than to lay out forty or fifty Pounds for her in one Suit of Cloaths? Every body's Circumstances are exactly known in this Kingdom; and therefore a young Lady, arrayed out in Gold and Silver, whose Fortune cannot bear it, instead of gaining Respect by her Finery, her Finery (and that most justly so) is made a Matter of Sneer and Ridicule. ——— And many a worthy Man, of a moderate Estate, that possibly might have thought of her as a Wife, if she had been dressed in a proper and suitable Manner, is terrified from thinking of a Partner, that puts the annual Interest of her whole Fortune into one Suit of Cloaths. ——— Besides, if Ladies did but know how infinitely genteeler, and consequently more beautiful and agreeable, every Woman looks in a plain Suit of Cloaths, I am satisfied no Lady, who had the least
Degree

Degree of Beauty, would ever wear any other.—True Taste consists in Simplicity and Plainness, not in a tawdry, false Glare.—Persons of ordinary Feature are only made more remarkably so, by the Splendor of their Attire. And those of real Beauty, should not wear any Thing that could draw off the Eyes of the Beholders, and divert them a single Moment from their own native Charms.

Where the Materials of Luxury are the Produce of the particular Country that uses them, no Inconvenience, with regard to Trade, (however the Morals, and in the Morals, the Liberties of the People may suffer) can arise from the Extravagance of Individuals. But Luxury, in *Ireland*, is the Bane and Ruin of the Nation, because all the Materials of it (except our Food) are the Produce of foreign Countries. I am very well aware, how difficult it would be, to form a proper Sumptuary Law, in order to curb the Folly of our People. But as the Example of People of Rank must always be most prevalent, if our Persons of Quality would be so good, as well to themselves as to the whole Kingdom, to abridge the Number of their Dishes and Servants, and to think, the finest thing made in *Ireland* to be much the finest and most honourable Dress they could appear in, it

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would

would answer all the Ends of a Sump-
 tuary Law, and enable them, by their
 Affluence, to do infinite Good to every
 thing around them:——Which they would
 find a more lasting Satisfaction, than any Joy
 that can arise from the Parade of a great
 Dinner, or any Pleasure that can result from
 exciting the Envy of inferior People.——

To do Good is a God-like Attribute, and
 gives an inward Complacency, that no
 Earthly Grandeur can produce. —— But
 this is a Subject which the Clergy will do
 more Justice to—— And therefore I leave it
 to them, not doubting but the Fathers of our
 Church will exert themselves, both by Pre-
 cept and Example, on so worthy an Occasion.

The *Habeas Corpus Act* is the great Bul-
 wark of *English Liberty*. —— This Law
 was made to enforce the Common Law, by
 laying a Penalty on Judges, for denying the
 Writ of *Habeas Corpus*, which was origi-
 nally ordained by the Common Law of the
 Land, as a Remedy for such as were unjust-
 ly imprisoned: But before the Thirty-first
 of *Charles the Second*, the Judges, who
 held their Places during Pleasure, took up-
 on them to grant or deny it, as they saw fit.
 —— And many Instances there were, of
 some of the greatest Peers in the Realm ly-
 ing in Prison, for several Years together,
 without

without even a Charge being brought against them. — As was the Case of the Earl of *Bristol*, in the Reign of *Charles* the First, and of many other Lords and Commoners, to whom the Writ of *Habeas Corpus* was refused, though, by Law, they were undoubtedly intitled to it, as the *Habeas Corpus* Act. expressly declares; — and indeed the Thing speaks itself. — For, if there was no legal Remedy against unjust Imprisonments, then, of Consequence, no Man could be sure of his Liberty an Hour. — The Subject could have nothing to depend on, but the Honour and Conscience of Men in Power: — Which, in a free Country, no Person, I believe, will pretend to be a sufficient Security; — especially as great Men are not more exempt from the Passions and Infirmities of human Nature, than other People. — If Princes were always just and wise, absolute Power would undoubtedly be the best of all Governments. — But as this cannot be, a good Prince will never desire any Power that may enable a bad one to do Mischief. — And therefore, Concessions in Favour of the People, are only to be expected during the Administrations of wise and upright Men.

In this Kingdom, (considering the Power of our Superiours) I believe no People ever had less Reason to complain of Hardships.

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But as it is impossible to be always sure of having such wise and good Men at the Helm of our Affairs, the only Time to hope for so great a Blessing, as a *Habeas Corpus Act* is, during their Administration.

They know, that the *Protestants* of *Ireland* are a *Phalanx* against *Popery*.

Ready, on any Occasion, to sacrifice their Lives and Fortunes, in Defence of the illustrious Family now on the Throne.

And therefore, as the giving us a *Habeas Corpus Act*, cannot afford the least Umbrage to our Mother-country, (which I am sure no good *Irishman* will ever do) it must be submitted how far any reasonable Objection can be made to it.

I can safely declare, that I never met with an *Englishman*, that was not, to the last Degree surprised, when he was informed, that we had not a *Habeas Corpus Act* in this Kingdom.

And if it should be said, that the Government ought not to be deprived of this Hank over the *Papists*, that can surely be no Reason, why the *Protestants* should not have their Liberty firmly secured to them.

And if the *Papists* should be excluded the Privilege of such Act, they will always have it in their Power to intitle themselves to the Benefit of it ; — which may be a Means of still strengthening the *Protestant* Interest, and bringing over many *Papists* to the established Church.

In *England*, the Liberty of the Subject does not depend on the adventitious Circumstance of having good Men in Office. — They have more stable Securities — Their Judges hold their Places during good Behaviour. — They have a *Habeas Corpus Act*. — And they will not even suffer a Judge of Assize to go into his own Country.

It is a fundamental Maxim in Commerce, that whatever Nation sells cheapest and best, will certainly have the Preference in foreign Markets. — Now the Cheapness of all Manufactures (I mean, where the *Primum* does not depend on foreign Countries, but is produced at Home) must arise from the Price that is paid for the Labour of the Manufacturer ; — and that must ever depend on the Price that is paid for the Necessaries of Life. — If they are dear, the Manufacturer must be paid in Proportion for his Labour ; and the Difference be added to the Manufacture, whenever it is carried to Market.

Bread and Fire are the Articles more immediately necessary to the Support of Life, than any others. — These therefore, ought more than any others, to be the Objects of our Care.

In this Town, it is very well known, that the Poor are the only People that pay a high

high Price for their Fire.—The Rich buy at thirteen or fourteen Shillings *per* Tun;—and the poor Manufacturer, who has neither Money, nor Room to lay in a Stock, pays often more than twenty, but scarce ever less than eighteen Shillings.—This is an Evil that must ever prevent our Manufactures from flourishing, and being brought to Perfection.—In *London*, the Price of Coals is regulated by the Eleventh of *George* the Second, Chap. xv.—A Power should be vested in proper Hands, to do the same thing here, and to punish Forestallers and Monopolizers of Coals. But this, with all other Matters contained in these Pages, are most humbly submitted to the Wisdom of the Nation.

And, as I have now gone through what I at first proposed; I shall, according to your Request, give you, from time to time, such further Hints, as occur to me, in relation to the Affairs of this Kingdom, not doubting your Zeal, to promote, in all Things, the Public Welfare, which is so closely connected with your own, that you will ever look upon them as inseparable.

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I am, S I R,

Your sincere Friend,

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